

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MINNESOTA LIFE INS. CO.,)	
)	
Plaintiff,)	C.A. No. 05-638
)	
v.)	
)	
LAURA REARDON GREEN, SHIRLEY)	
MANSFIELD and NORMA PATRICIA)	
REARDON,)	
)	
Defendants.)	

**DEFENDANT/CROSS-CLAIMANT LAURA REARDON GREEN'S
MOTION FOR JUDGMENT BY DEFAULT AGAINST
DEFENDANT SHIRLEY MANSFIELD**

Pursuant to Fed. R. Civ. P. 55, defendant and cross-claimant Laura Reardon Green hereby moves the Court for entry of judgment by default against defendant Shirley Mansfield, and in support thereof, respectfully states the following:

1. This is an interpleader action brought by plaintiff Minnesota Life respecting the proceeds of a life insurance policy insuring the life of Thomas Reardon ("decedent"). The defendants are the sister (Green), the ex-spouse ("Mansfield") and the surviving spouse ("Reardon") of the decedent.

2. Suit was filed on August 30, 2005. (D.I. 1). On September 7, 2005, Green filed her answer and cross-claim, serving both Mansfield and Reardon by first class mail. (D.I.

3). Pursuant to Fed. R. Civ. P. 12(a)(2), answers to the cross-claim were due on or before September 30, 2005. As of this date, none has been filed. The undersigned counsel has heard from an attorney assisting Reardon with her claim and understands that

Reardon is due to file a *pro se* answer imminently. Accordingly, this motion is not directed at Reardon. Undersigned counsel has heard nothing from Mansfield nor from any person purporting to act on Mansfield's behalf.

3. On September 19, 2005, Mansfield was personally served by the plaintiff with the original complaint. (D.I. 7). Accordingly, Mansfield's answer to the original complaint was due on or before October 11, 2005.

4. Mansfield has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.

5. To the best of Green's knowledge, Mansfield is neither an infant nor an incompetent person, nor is she currently in active service in the Armed Forces of the United States.

WHEREFORE defendant and cross-claimant Laura Reardon Green hereby moves for judgment by default against defendant Shirley Mansfield.

Dated: October 12, 2005

FERRY, JOSEPH & PEARCE, P.A.

/s/Rick S. Miller
Rick S. Miller (#3418)
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Attorney for Defendant/
Cross-Claimant Laura Reardon
Green

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing Defendant/Cross-Claimant Laura Reardon Green's Motion for Judgment by Default Against Defendant Shirley Mansfield were served on October 12, 2005, upon the following persons in the manner indicated:

By Hand:

Sean J. Bellew, Esquire
David A. Felice, Esquire
Cozen O'Connor
1201 N. Market Street, Suite 1400
Wilmington, DE 19801

By First Class Mail:

Shirley Mansfield
P.O. Box 3234
Sedona AZ 86340-3234

Norma Patricia Reardon
c/o Gina L. Tanner, Esquire
Law Offices of Gina L. Tanner
468 N. Camden Dr., Suite 201
Beverly Hills, CA 90210

/s/Rick S. Miller

Rick S. Miller (#3418)